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SUPERSEDING INDICTMENT UNSEALED IN MARYLAND MS-13 GANG CASE

***Indictment Adds Murder, Witness Tampering, Obstruction of Justice,
Firearms Violations and Three New Defendants***

GREENBELT, Maryland - United States Attorney for the District of Maryland Rod J. Rosenstein announces that a federal grand jury has returned a superseding indictment in U.S. v. Israel Ramos Cruz, et al., No. DKC-05-0393. The 32-count superseding indictment includes numerous additional charges against the original 19 and three new defendants, arising from a conspiracy to participate in a racketeering enterprise known as La Mara Salvatrucha, or MS-13. The superseding indictment was returned under seal on April 3, 2006 and was unsealed today upon the arrests of the additional defendants and the execution of search warrants.

United States Attorney Rod J. Rosenstein said, "Members of our Regional Anti-Gang Enforcement Task Force are working together and using all available federal law enforcement tools to prosecute violent gang members. People who join gangs and commit violent crimes should expect to spend a very long time in federal prison."

Special Agent in Charge Theresa R. Stoop of the Bureau of Alcohol, Tobacco, Firearms and Explosives said, "To those who might say that this is more of the same and that we'll all eventually go our own way, I would say think again. We were a team in August, we are a team working on Prince George's Exile, and we are back today with more defendants and more charges. We are not going away! If you take part in gang violence, we will work as a team to put you in jail!"

Acting Special Agent in Charge Frank E. Goetz of the Federal Bureau of Investigation stated, "With our cooperative efforts today I am confident that law enforcement prevented further acts of violence from occurring in our community. Vicious actions by criminals necessitate aggressive measures, and today both federal and local law enforcement participants initiated a strategy that we are certain will mark the decline in gang violence in Maryland."

Prince George's County Police Chief Melvin High stated, "This partnership between federal, state and local law enforcement agencies says we know that gangs are a regional problem and that we must all work together to solve it. We're pleased to be on board."

Today's arrests and searches are the result of the ATF's Regional Anti-Gang Enforcement ("RAGE") Task Force working jointly with the Federal Bureau of Investigation and Prince George's County Police Department, with assistance from other law enforcement agencies.

Count one of the superseding indictment re-alleges that the defendants were members of MS-13, an organized crime group that frequently engaged in criminal activity, with members operating in Prince George's and Montgomery Counties. The superseding indictment adds counts two through 32 which charge various defendants with murder in aid of racketeering, assault with a deadly weapon in aid of racketeering, conspiracy to commit murder in aid of racketeering, use and carrying of a firearm during and in relation to a crime of violence, murder resulting from the use and carrying of a firearm during and in relation to a crime of violence, witness tampering, obstruction of justice, illegal alien in possession of a firearm and ammunition, and conspiracy to commit assaults with deadly weapons.

The superseding indictment alleges that from at least 2001 to April 2006, the defendants conspired to conduct the affairs of the MS-13 enterprise through a pattern of racketeering activity which consisted of multiple acts of murder, kidnapping, robbery, obstruction of justice and witness tampering. In addition to the six Maryland murders alleged in the original indictment, additional specific acts of violence alleged in the superseding indictment include: the murder of a man on January 21, 2005 when two MS-13 gang members shot at a crowd of youths sitting outside an apartment building in Fairfax, Virginia; numerous assaults on an MS-13 gang member from El Salvador, juvenile females and rival gang members; and the use of deadly weapons and firearms in the commission of numerous murders, attempted murders and assaults. The superseding indictment further alleges that on July 22, 2004 Cruz, Ayala and Garcia falsely testified before a state grand jury in Prince George's County that was investigating the May 2004 murder of Ashley Antonio Urias.

The additional defendants indicted are Emilia Masaya, age 20, of Adelphi, Maryland; Lisbeth Delcid, age 21, of Woodbridge, Virginia, and Wilbur Garcia Martinez, age 20, of Montgomery County. Delcid is alleged to have assisted in buying a gun for use by MS-13 gang members; and was used as a conduit for passing information to and from defendant Zelaya, who was incarcerated, and other gang members. Masaya is alleged to have provided false information to a Montgomery County police detective who was investigating the murder of Randy Calderon; and falsely testified before a federal grand jury in Greenbelt, Maryland that she did not know certain gang members, and had no knowledge about the murder of Randy Calderon. Martinez is alleged to have traveled with other gang members to Springbook High School in Montgomery County where two youths were assaulted and stabbed.

Each defendant faces a maximum sentence of life in prison for conspiracy to participate in a racketeering enterprise. In addition, Cruz, Bernal, Garcia, Moriera, Chacon, Argueta, Guillen, Palacios and Amador face a maximum penalty of life in prison or death for murder in aid of racketeering and murder resulting from the use of a firearm in relation to a crime of violence. Cruz, Bernal, Garcia and Moriera also face a maximum penalty of life in prison or death for witness tampering. Initial appearances are being held this afternoon beginning at 1:30 before U.S. District Court Magistrate Judge Jillyn K. Schulze.

An indictment is not a finding of guilt. An individual charged by indictment is presumed innocent unless and until proven guilty at some later criminal proceedings.

United States Attorney Rosenstein commended the federal and state law enforcement officers who worked together to execute the search and arrest warrants today. Mr. Rosenstein expressed his appreciation for the outstanding cooperation and teamwork of the Bureau of Alcohol, Tobacco, Firearms and Explosives; the Federal Bureau of Investigation, the Prince George's County Police Department; U.S. Immigration and Customs Enforcement; the Montgomery County Police Department; the Howard County Police Department; the Maryland National Capital Park Police; the Maryland State Police and the Fairfax County, Virginia Police Department.

Mr. Rosenstein thanked Prince George's County State's Attorney Glenn F. Ivey, Montgomery County State's Attorney Douglas F. Gansler, and Fairfax County, Virginia, Commonwealth's Attorney Robert F. Horan, Jr., for the assistance that they and their offices provided.

Mr. Rosenstein also praised the work of Assistant U.S. Attorneys Sandra Wilkinson, James M. Trusty and Chan Park, and Prince George's County Assistant State's Attorney Laura J. Gwinn, who are prosecuting the case.